

Regular Session, 2012

SENATE BILL NO. 395

BY SENATOR WHITE

SPECIAL DISTRICTS. Creates the Carmel Acres Crime Prevention and Neighborhood Improvement District in East Baton Rouge Parish. (8/1/12)

AN ACT

To enact R.S. 33:9097.13, relative to East Baton Rouge Parish; to create a crime prevention and improvement district for the Carmel Acres Subdivision; to provide the purpose and boundaries of the district; to provide for the governance of the district; to provide for the duties and powers of the district; to provide for the levy of a parcel fee within the district; to provide for indemnity and exculpation of board members; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9097.13 is hereby enacted to read as follows:

§9097.13. Carmel Acres Crime Prevention and Improvement District

A. Creation. There is hereby created within the parish of East Baton Rouge, as more specifically provided in Subsection B of this Section, a body politic and corporate which shall be known as the Carmel Acres Crime Prevention and Improvement District, hereinafter referred to as the "district".
The district shall be a political subdivision of the state as defined in the Constitution of Louisiana.

1 **B. Boundaries. The boundaries of the district shall be coterminous with**
2 **the boundaries of the Carmel Acres Subdivision in East Baton Rouge Parish as**
3 **established in the official subdivision plat filed with the clerk of court of East**
4 **Baton Rouge Parish.**

5 **C. Purpose. The purpose of the district shall be to aid in crime**
6 **prevention and to add to the security of district residents by providing for an**
7 **increase in the presence of law enforcement personnel in the district and to**
8 **serve the needs of the residents of the district by funding beautification and**
9 **improvements for the overall betterment of the district.**

10 **D. Governance. (1) The district shall be governed by a board of**
11 **commissioners consisting of seven members as follows:**

12 **(a) The board of directors of the Carmel Acres Civic Association, Inc.,**
13 **shall appoint two members.**

14 **(b) The member or members of the Louisiana House of Representatives**
15 **who represent the area which comprises the district shall appoint one member.**

16 **(c) The member or members of the Louisiana Senate who represent the**
17 **area which comprises the district shall appoint one member.**

18 **(d) The assessor for the parish of East Baton Rouge shall appoint one**
19 **member.**

20 **(e) The mayor of Central shall appoint one member.**

21 **(f) The Metro Council member or council members who represent the**
22 **district shall appoint one member.**

23 **(2) All members of the board shall own property and reside within the**
24 **district.**

25 **(3)(a) The terms of the members appointed pursuant to Subparagraph**
26 **(1)(a) of this Subsection shall be two years.**

27 **(b) The terms of the members serving pursuant to Subparagraphs (1)(b)**
28 **through (f) of this Subsection shall be three years.**

29 **(4) The members of the board shall select from among themselves a**

1 president and such other officers as they deem appropriate. The terms and
2 responsibilities of officers shall be as provided by the bylaws of the board.

3 (5) The members of the board shall serve without compensation and shall
4 not receive reimbursement for expenses.

5 E. Powers and duties. The district, acting through its board of
6 commissioners, shall have the following powers and duties:

7 (1) To sue and be sued.

8 (2) To adopt, use, and alter at will a corporate seal.

9 (3) To receive and expend funds collected pursuant to Subsection F and
10 in accordance with a budget adopted as provided by Subsection G of this
11 Section.

12 (4) To accept private grants and donations.

13 (5) To enter into contracts with individuals or entities, private or public,
14 for the provision of security patrols in the district.

15 (6) To purchase items and supplies which the board deems instrumental
16 to achieving the purpose of the district.

17 (7) To acquire, lease, insure, and sell real property within the boundaries
18 of the district in accordance with district plans.

19 (8) To perform or have performed any other function or activity
20 necessary for the achievement of the purpose of the district.

21 F. Parcel fee. The governing authority of East Baton Rouge Parish is
22 hereby authorized to impose and collect a parcel fee within the district subject
23 to and in accordance with the provisions of this Subsection:

24 (1)(a) The fee shall be imposed on each improved and unimproved
25 parcel located within the district.

26 (b) For the purposes of this Section, a parcel shall be defined as a lot, a
27 subdivided portion of ground, or an individual tract on which a residential or
28 commercial structure is situated; however, the term "parcel" shall not include
29 "condominium parcel" or "condominium property" as defined in R.S.

9:1121.103.

(2)(a)(i) The initial amount of the fee shall be as requested by duly adopted resolution of the governing authority of the district. The initial fee shall not exceed one hundred dollars per parcel per year.

(ii) The fee shall be imposed only after the question of its imposition has been approved by a majority of the registered voters of the district voting on the proposition at an election held for that purpose in accordance with the Louisiana Election Code. No less than thirty days prior to any election held to approve such parcel fee, the board of commissioners shall mail notification of the upcoming election to each registered voter of the district and to the owner of a parcel if the owner is not a registered voter of the district.

(b) Not less than five years after approval of the parcel fee by a majority of the registered voters of the district, the governing authority of the district may increase the amount of the parcel fee one time without an election. The amount of the increased fee shall be as provided in a duly adopted resolution of the board, not to exceed two hundred dollars per parcel per year.

(3) A parcel fee shall expire ten years after its levy but may be renewed if the renewal is approved by the voters in the manner provided in Subparagraph (2)(a) of this Subsection. The renewed fee shall not exceed two hundred dollars per parcel per year. If renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed ten years.

(4) The owner of the parcel is responsible for payment of the fee.

(5) The fee shall be collected at the same time and in the same manner as ad valorem taxes are collected by the sheriff, as ex officio tax collector, of East Baton Rouge Parish. The sheriff shall collect and remit to the district all amounts collected not more than sixty days after collection. He shall retain as a commission the same percentage of collectable amounts as he receives for the collection of ad valorem taxes.

1 (6) Any parcel fee which is unpaid shall be added to the tax rolls of East
2 Baton Rouge Parish and shall be enforced with the same authority and subject
3 to the same penalties and procedures as unpaid ad valorem taxes.

4 G. Budget. (1) The board of commissioners shall adopt an annual
5 budget in accordance with the Louisiana Local Government Budget Act, R.S.
6 39:1301 et seq. The budget and all amendments shall be submitted to the East
7 Baton Rouge Metropolitan Council.

8 (2) The district shall be subject to audit by the legislative auditor
9 pursuant to R.S. 24:513.

10 H. Miscellaneous provisions. (1) It is the purpose and intent of this
11 Section that the additional law enforcement personnel and their services
12 provided for through the fees authorized herein shall be supplemental to and
13 not in lieu of personnel and services provided in the district by the city of Baton
14 Rouge and East Baton Rouge Parish.

15 (2) If the district ceases to exist, any funds of the district shall be
16 transmitted to the governing authority of East Baton Rouge Parish and shall be
17 used for law enforcement purposes in the area which comprised the district.

18 I. Indemnification and exculpation. (1) The district shall indemnify its
19 officers and board members to the fullest extent permitted by R.S. 12:227, as
20 fully as if the district were a nonprofit corporation governed thereby, and as
21 may be provided in the district's bylaws.

22 (2) No board member or officer of the district shall be liable to the
23 district or to any individual who resides, owns property, visits, or otherwise
24 conducts business in the district for monetary damages for breach of his duties
25 as a board member or officer, provided that the foregoing provision shall not
26 eliminate or limit the liability of a board member or officer for any of the
27 following:

28 (a) Acts or omissions not in good faith or which involve intentional
29 misconduct or a knowing violation of law.

1 **(b) Any transaction from which he derived an improper personal**
2 **benefit.**

3 **(3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.**
4 **9:2792.1 through 2792.9, a person serving the district as a board member or**
5 **officer shall not be individually liable for any act or omission arising out of the**
6 **performance of his duties.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michael Bell.

DIGEST

Proposed law creates the Carmel Acres Crime Prevention and Neighborhood Improvement District in East Baton Rouge Parish to aid in crime prevention and improvement of areas within the district. Further provides for the boundaries of the district.

Proposed law provides for governance of the district by a seven-member board of commissioners, each of whom must reside within the district and be a registered voter in the district. Members of the board shall serve without compensation and shall serve terms of two or three years, as determined by proposed law.

Proposed law provides for the powers and duties of the district as follows:

1. To sue and be sued.
2. To adopt and use a corporate seal.
3. To receive and spend funds collected pursuant to proposed law in accordance with a budget adopted in accordance with proposed law.
4. To enter into contracts for security patrols or other programs in the district.
5. To perform other functions or activities necessary for achieving any purpose of the district.
6. To purchase items necessary to achieve any purpose of the district.

Proposed law provides for the levy, subject to voter approval, of a parcel fee on improved parcels within the district. The fee shall be as provided by duly adopted resolution of the board and shall not exceed \$100 per parcel per year.

Proposed law further provides that the fee shall expire 10 years after its initial imposition, but may be renewed subject to voter approval.

Proposed law provides that the fee shall be collected at the same time and in the same manner as ad valorem taxes are collected by the parish. Further provides that any parcel fee which is unpaid shall be enforced with the same authority and subject to the same penalties as unpaid ad valorem taxes.

Proposed law provides for the adoption of an annual budget for the district and provides that the district shall be subject to audit by the legislative auditor.

Proposed law provides that if the district ceases to exist, all funds of the district shall be transmitted to the governing authority of East Baton Rouge Parish and shall be used for law enforcement purposes in the area formerly comprising the district.

Proposed law provides for indemnification of board members by the district and limits board member liability for acts or omissions arising out of the performance of a member's duties.

Effective August 1, 2012.

(Adds R.S. 33:9097.13)